

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al,)

Defendants.)

THE VIDEOTAPED DEPOSITION OF
TIMOTHY MAUPIN, produced as a witness on behalf of
the Plaintiff in the above styled and numbered
cause, taken on the 15th day of May, 2008, in the
City of Wichita, County of Sedgewick, State of
Kansas, before me, Lisa A. Steinmeyer, a Certified
Shorthand Reporter, duly certified under and by
virtue of the laws of the State of Oklahoma.

1 MS. BRONSON: Vickie Bronson on behalf of
2 Simmons Foods.

3 MR. GARREN: I'll ask those on the call
4 today -- that we'll invoke the Rule of
5 Sequestration. To that extent, if you need to
6 leave, come or go, whatever you are doing, we need
7 to advise so we can make a Record of when you are
8 present and when you're not, if you would, please.

09:11AM

9 MS. BRONSON: All righty.

10 Q During the '79-'83 period, what did Rocco do
11 as a business?

09:11AM

12 A Rocco was involved in several businesses
13 during that time frame.

14 Q Tell me what they were.

15 A They owned a building supply business and they
16 were in both the chicken and the turkey business.

09:11AM

17 Q When you say they're in the chicken and turkey
18 business, what does that mean?

19 A They produced chickens and turkeys for
20 processing and sale.

09:12AM

21 Q Were they -- was Rocco, Inc., what you would
22 call a vertically integrated company in the chicken
23 and turkey business?

24 A Yes.

25 Q Tell the court what you know that to mean,

09:12AM

1 vertically integrated.

2 MR. EHRICH: Object to the form.

3 A My understanding of the term vertically
4 integrated means that companies both raise turkeys,
5 process turkeys and sell turkeys or chickens. 09:12AM

6 Q Is it correct in saying that a vertically
7 integrated company basically has the entire process
8 from the egg to the retailer?

9 MR. EHRICH: Same objection.

10 A The company would be involved in that process 09:12AM
11 during each of those stages.

12 Q Did Rocco have contract growers?

13 A Yes.

14 Q And did Rocco itself perform growing turkeys
15 or chickens with its own employees? 09:13AM

16 A During that time frame?

17 Q Yes, or any time frame that you know of.

18 A Yes. Rocco has grown chickens and turkeys
19 during that time frame.

20 Q And that's '79 to '83 or does that include '86 09:13AM
21 to '93?

22 A In both time frames.

23 Q All right. Did you change any positions from
24 your position in building supplies in '79-'83
25 period? 09:13AM

1 Federation was probably more in the form of
2 conference calls or those type of things instead of
3 face-to-face meetings.

4 Q But in those conference calls, were they for
5 environmental training?

09:27AM

6 A Probably more in the realm of updates instead
7 of training.

8 Q And updates in what area or subjects?

9 A Environmental regulation.

10 Q Would that be state and national regulation?

09:27AM

11 A Both. National Turkey Federation probably
12 works more in the realm of national regulation.

13 Q Now, besides the Virginia Poultry Federation,
14 the National Turkey Federation, are there any other
15 organizations or associations that conducted
16 meetings, conference calls or similar things in
17 which you obtained some type of education with
18 regard to environmental aspects or training?

09:28AM

19 MR. EHRICH: Same time frame?

20 MR. GARREN: Yes.

09:28AM

21 MR. EHRICH: Thank you.

22 A I don't recall, with the exception of the
23 National Poultry Dialogue which went on during 1998.

24 Q Did you attend the National Poultry Dialogue?

25 A Yes, I did.

09:28AM

1 Q Did you attend all of it?

2 A If the question all is did I attend every
3 meeting of the National Poultry Dialogue, my
4 recollection is that I did attend all those meetings
5 during that time frame.

09:29AM

6 Q Tell the court, if you would, please, what the
7 Dialogue is, and what -- let's start with what was
8 it -- what was its purpose?

9 A My understanding of the purpose of the
10 National Poultry Dialogue was there was a group of
11 industry leaders and trade organizations, and it met
12 around the country at different locations, and it
13 was a fairly open discussion about oncoming
14 environmental regulation.

09:29AM

15 Q What was the subject of that oncoming
16 environmental regulation?

09:29AM

17 A I think there were a number of different
18 subjects.

19 Q I'm sorry. Go ahead.

20 A I think there were a number of different
21 subjects that the Poultry Dialogue had during those
22 meetings, and they covered, you know, poultry litter
23 management, mortality disposal, those types of
24 issues.

09:30AM

25 Q Did it involve water quality aspects of the

09:30AM

1 environmental concerns?

2 A There probably was some discussion of that.
3 My recollection -- you know, the exact details of
4 that, I can't answer.

5 Q Let me ask you this with regard to your 09:30AM
6 experience in the turkey or chicken business:
7 Managing the nutrients, the litter or the poultry
8 waste as we've referred to it, what's the purpose
9 for doing that management?

10 MR. EHRICH: Object to the form. 09:30AM

11 A The purpose of managing poultry litter is to
12 reduce the risk to water quality and so --

13 Q Go ahead.

14 A That's all.

15 Q And what is the risk you are reducing? 09:31AM

16 A The goal is to reduce the risk of poultry
17 litter causing adverse environmental impacts. I
18 know of no case where that's happened, but certainly
19 the goal is to reduce those risks.

20 Q Is it the -- what is it about the use of the 09:31AM
21 poultry manure that causes a risk to water quality?

22 MR. EHRICH: Object to the form, lack of
23 foundation.

24 A Can you restate that question?

25 Q What is it about the use of the poultry manure 09:31AM

1 growing for Rocco.

2 Q All right, and you only recall doing two
3 plans?

4 A That's all I recall.

5 Q And were those in the Shenandoah Valley area 09:40AM
6 then?

7 A Yes.

8 Q In 1998 do you recall there was legislation
9 enacted in that area with regard to nutrient
10 management plans? 09:41AM

11 A I don't recall there being legislation enacted
12 in Virginia in 1998.

13 Q Do you recall that there was an ordinance that
14 was enacted with regard to poultry growing in that
15 area? 09:41AM

16 A There was a poultry ordinance in Rockingham
17 County during that time frame.

18 Q Where does Harrisonburg sit?

19 A It's in Rockingham County.

20 Q Did you have any experience or education with 09:41AM
21 regard to that ordinance that was enacted?

22 A Yes.

23 Q Okay. Tell me about what you learned and how
24 you learned it.

25 A My understanding of that ordinance is -- at 09:41AM

1 the time I understood it, I'm not sure that I can
2 give you a lot of details about it now. It had
3 setbacks from property lines and dwellings.

4 Q Setbacks for what?

5 A For poultry house construction. 09:42AM

6 Q Okay. Did it have manure management
7 requirements in it?

8 A I believe there was a litter management
9 component to that.

10 Q Okay, and were you fully educated on it in 09:42AM
11 order to assist Rocco with its responsibilities and
12 its contract producers in accordance with that
13 ordinance?

14 MR. EHRICH: Object to the form.

15 A I'm not sure I understand the word fully 09:42AM
16 but -- how you are using the word fully, but I
17 understood the basics of that ordinance then.

18 Q Was part of your duties and responsibilities
19 then to advise Rocco with regard to that ordinance
20 and how they or their producers could comply with 09:42AM
21 it?

22 MR. EHRICH: Object to the form, lack of
23 foundation.

24 A I understood the ordinance during that time.

25 Q My question is, was that part of your duties 09:42AM

1 in order to advise Rocco or the producers of Rocco

2 to be able to comply with it?

3 A Yes. I have helped -- I helped growers during
4 that time frame with education on the ordinance.

5 Q Has there been in your history then any other 09:43AM
6 environmental training that you've received of any
7 sort that we have not already discussed?

8 A Those are the only two certifications that I
9 ever held.

10 Q I didn't ask the question of certification. I 09:43AM
11 asked training.

12 A Well, during the late '90's and early 2000
13 there were a number of different environmental
14 regulation meetings that I attended. I'm not sure
15 if the technical word training or not is applicable, 09:43AM
16 but I attended a lot of meetings during that time
17 frame.

18 Q And at those meetings did you become more
19 educated or more informed about environmental
20 concerns involving poultry growing? 09:44AM

21 MR. EHRICH: Object to the form.

22 A That's a broad question. I learned a lot
23 during that time frame about nutrient management and
24 regulations.

25 Q So it expanded your knowledge in these -- 09:44AM

1 A During 1998 or --

2 Q Whenever you obtained the late '90's and early
3 2000 environmental training at these various
4 meetings, and you said they were state specific,
5 what states? 09:45AM

6 A Rocco had birds contracted in Virginia and
7 West Virginia.

8 Q All right. So is that the states that you
9 became knowledgeable about environmental matters?

10 A During the Rocco years, that's correct, and 09:46AM
11 then when we were purchased by Cargill in 2001 --

12 Q Yes.

13 A -- I attended some meetings in the Midwest.

14 Q And where?

15 A We had birds in -- at that time we had birds 09:46AM
16 in Arkansas, Oklahoma, Missouri and Texas.

17 Q And did you attend meetings at all four of
18 those states you just listed?

19 A I don't recall attending meetings in Oklahoma.
20 There were only a few growers in that state, and so 09:46AM
21 I don't recall attending meetings there.

22 Q Okay. You've alluded to it so let's go ahead
23 and talk about it. When was Rocco, Inc., acquired
24 by Cargill?

25 A August of 2001. 09:47AM

1 A I'm saying that's a site-specific situation
2 they describe about soils being P saturated or
3 creating leachates, and it's possible, but there's a
4 lot of variables to that question. I don't know
5 that I can agree or disagree with that.

01:53PM

6 Q I apologize. Okay. Understanding that
7 Cargill suggests there's a lot of variables, did
8 Cargill undertake to determine what variables
9 impacted -- what may have impacted the soil test
10 levels of 700 to 900 on its farms when it learned of
11 its soil test in 1998 to be at that level?

01:53PM

12 A No. That type of research was done by
13 universities or state or federal agencies, not
14 something we did at Cargill.

15 Q Okay. Did Cargill inquire of any soil
16 nutritionist as to what impact might possibly occur
17 from its soil tests that it learned were 700 to 900
18 range for phosphorus?

01:53PM

19 MS. HILL: Object to the form.

20 A Not to my knowledge.

01:54PM

21 Q Did -- was Cargill aware that generally
22 poultry farmers, prior to any governmental mandates
23 on rates of application, would generally land apply
24 all they had produced in their barn either to their
25 land or their farmers' land?

01:54PM

1 A Can you restate the question? That's not in
2 relation to this document?

3 Q No. It's a separate question. Cargill knew
4 as early as the -- well, is it true that generally
5 speaking poultry farmers, prior to any governmental
6 mandates on rates of application of poultry waste,
7 would land apply all that they had produced from
8 their barns?

01:54PM

9 MS. HILL: Objection, beyond the scope of
10 the noticed topics.

01:55PM

11 A I don't think that's true.

12 Q Okay, and other than land applying on their
13 own, they might give it to their neighbor who would
14 then also land apply it. Cargill knew that, didn't
15 they?

01:55PM

16 A It's possible.

17 Q Well, it's been well known for years, don't
18 you agree; that's the common use for poultry waste
19 when it's removed from a barn is to be land applied?

20 A Yes, and every grower has a different
21 situation. It's possible it would be --

01:55PM

22 Q All right.

23 A -- sold to a neighbor.

24 Q Well, let me ask you this: Other than land
25 applying it, before laws went into effect in 1998,

01:55PM

1 A To the extent that there were discussions
2 involving best management practices for poultry
3 litter, we would take those back to our organization
4 and share those.

5 Q Did you ever participate in any National 01:26PM
6 Poultry Waste Management Symposiums?

7 A Yes, I have.

8 Q Do you recall the year that you participated?
9 MS. LLOYD: Jennifer Lloyd.

10 A I don't recall the exact year, but I have 01:27PM
11 attended several of those conferences.

12 Q Okay. Let me hand you what's been marked as
13 Exhibit 22 and ask you if that would help refresh
14 your recollection about participation. Maybe it
15 won't. In fact, do you know a Gerald Murphy from 01:27PM
16 Rocco?

17 A Gerald Murphy, yes, I did know who Gerald
18 Murphy was.

19 Q Why don't you look -- these are not Bates
20 numbered but Roman number XIII, 13. It simply lists 01:27PM
21 committee members.

22 A Your specific question is --

23 Q Are you on Page 13, XIII?

24 A Okay, yes.

25 Q It lists Gerald Murphy, and I'm asking you how 01:28PM

1 A Yes.

2 Q Tell the court what it is.

3 A If it all the way through is what it appears

4 to be, I have seen it. This was a training manual

5 put together with the help of the Virginia Poultry

01:48PM

6 Federation and Virginia Farm Bureau as a guide for

7 use as House Bill 1207 came into effect in Virginia.

8 Q That House Bill 1207 in Virginia was at what

9 time frame?

10 A The bill I believe passed in 1999.

01:49PM

11 Q Okay. That's my recollection. So what was --

12 how was it that this came to be in the Cargill

13 records that were produced to the State; who would

14 keep this manual?

15 A I haven't looked at this for a long time, but

01:49PM

16 it probably was in my possession.

17 Q Okay, and did you participate in the

18 preparation or production of parts or all of this

19 document?

20 A It's my recollection that the pieces of this

01:49PM

21 document, and there are a number of different pieces

22 here, came from a number of different sources. I

23 was on the committee that helped pull all those

24 pieces of information together.

25 Q Okay, and you can look at the very first page.

01:49PM

1 Under training manual heading training task force
2 and next to the bottom line your name appears there;
3 do you see it?

4 A That's correct.

5 Q Okay. Is that the committee that you are 01:49PM
6 referring to?

7 A Yes.

8 Q And tell me again what your responsibilities
9 were as it pertains to this manual.

10 A There were some company representatives to 01:50PM
11 this task force. The information was pulled
12 together by members of the Virginia Department of
13 Conservation and Virginia Department of
14 Environmental Quality and certainly I think Hobie

15 Bowen and Wilmer Stoneman. Hobie Bowen was with 01:50PM
16 Virginia Poultry Federation -- is with the Virginia
17 Poultry Federation. Wilmer Stoneman works for the
18 Virginia Farm Bureau Federation. They were
19 instrumental in helping to pull this together.

20 Q What was the purpose of it; how did it -- 01:50PM
21 what's the purpose of it? Answer that first.

22 A This document was put together just to serve
23 as an educational piece of information for poultry
24 growers in Virginia. House Bill 1207 was -- I'm not
25 sure of the exact date of this document, but House 01:51PM

1 Bill 1207 was coming into effect, and so there
2 was -- the thought was that there was a need for
3 growers to be educated in that area.

4 Q How did Rocco use this document?

5 A It's my recollection that we gave this 01:51PM
6 document to all of our growers.

7 Q In the Virginia --

8 A At the time, in Virginia.

9 Q Did you ask them to read it, understand it and
10 abide by it? 01:51PM

11 A There are different pieces of this document to
12 my recollection. I'd have to read through it, but
13 certainly part of this document is House Bill 1207
14 itself, and our policy is always to abide by the
15 state and federal laws that affect our business, so 01:51PM
16 that part of it was regulation. Other pieces of
17 this is more served as best management practices,
18 and there are parts of this document to my
19 recollection that have to do with nutrient
20 management. Some of those are site specific things. 01:52PM

21 Q Did the use of this manual continue after
22 Cargill acquired Rocco?

23 A I don't remember redistributing this
24 information. I remember distributing it once.

25 Q To the extent that a contract grower was still 01:52PM

1 there?

2 A 139143.

3 Q Do you recognize this document?

4 A Yes, I do.

5 Q Can you tell the court what it is? 02:05PM

6 A This appears to be an environmental best
7 management practices guide that I accumulated in the
8 late '90's for contract poultry producers at Rocco.

9 Q And how was this guide utilized at Rocco in
10 the late '90's? 02:05PM

11 A I accumulated these documents from a number of
12 different sources and there are a number of
13 different topics, and we distributed these to all of
14 our growers as an educational guide in an effort to
15 be helpful with nutrient management, litter storage, 02:05PM
16 all the things in the table of contents, calibration
17 of equipment, disease control, insect control,
18 litter control, all those things.

19 Q Did you intend for the materials you gave them
20 to be truthful and accurate? 02:06PM

21 A I didn't write this document, but I put
22 together the pieces of it, and they came from a
23 number of different sources, and at the time these
24 were things that were being used in the industry and
25 in particular, in Virginia. 02:06PM

1 Q Did you read what you had compiled before you
2 gave it to the growers?

3 A At that time I had read this document, yes.

4 Q And did you believe that it was true and
5 correct in its instruction or educational material 02:06PM
6 that was provided?

7 A I don't want to say that every word in this
8 document is a word that I would have chosen, but
9 certainly the basic premise of the document I agreed
10 with, and our goal was to educate growers on 02:06PM
11 nutrient management and the other items that I
12 talked about previously.

13 Q Would you agree with me that since you
14 compiled it, you could have easily edited any
15 portions that you felt were inaccurate or not 02:07PM
16 truthful, could you not?

17 A It could have been, but I had some concern at
18 that time about context and changing paragraphs
19 around in the document, so more or less it was
20 compiled. 02:07PM

21 Q You didn't intend to give your growers
22 something that wasn't useful or inaccurate, did you?

23 A No. The intent was not to be inaccurate with
24 our growers.

25 Q Do you know the time frame other than the late 02:07PM

1 first E-mail? It says, you said that you wanted it
2 to look like the original Rocco policy book.
3 Therefore, I added the borders and such. Does this
4 reflect your recollection that this was a work in
5 progress? 02:13PM

6 A Yes. I think I remember that she retyped this
7 document and that may be the reference to it.

8 Q So do I take from this then that the Cargill
9 Turkey Products did not have an environmental manual
10 at this time and, therefore, you utilized the one 02:13PM
11 that had been previously used by Rocco to create
12 such a manual for Cargill Turkey?

13 A That was the basis for the Cargill Turkey
14 Products environmental manual, that's correct.

15 Q So do you know whether or not Cargill Turkey 02:13PM
16 had an environmental manual for its contract growers
17 before you created this document in 2002?

18 A I don't know that they did. I haven't seen it
19 if it existed.

20 Q Okay. Let's go to past the next color 02:13PM
21 divider.

22 A Are we done with this one; are we done with
23 these?

24 Q You can turn it over. Probably easier if you
25 did. If you glance through this beginning at Page 02:14PM

1 A No, they weren't, and that's another reason
2 that makes me think this is a draft.

3 Q That is my point. We're in agreement. There
4 is another part of the transition from what you've
5 described that Rocco had an environmental policy,
6 Cargill didn't, Cargill adopted apparently the Rocco
7 version and you were in the process of creating that
8 for Cargill; does that seem to be a fair statement
9 of what was going on then?

02:35PM

10 A That's basically correct, yes.

02:35PM

11 Q Go to the next color divider, and it will be
12 Bates stamp number CARTP 005, past the next colored
13 divider.

14 MR. EHRICH: Counsel, I think that there's
15 some confusion here now. When you're talking about
16 documents, that's one thing, but to say that there
17 may be some policy irrespective of the document I
18 think needs to be clarified.

02:35PM

19 MR. GARREN: He's testified --

20 MR. EHRICH: He's talking about documents.

02:36PM

21 MR. GARREN: He testified that the one page
22 was a policy, not part of the handbook, but that it
23 was distributed with the handbook and simply
24 described the policy.

25 MR. EHRICH: But what you haven't asked is

02:36PM

1 and I believe you are there. Page CARTP 5, tell the
2 court what that document is.

3 A This appears to be a later draft or the final
4 version, I can't tell you which one, of that policy,
5 and the reason I say that is the first line of the 02:39PM
6 nutrient management plan section says have or have
7 applied for a nutrient management plan. That was
8 the final language.

9 Q What number are you referring to, Bates
10 number? 02:39PM

11 A 007.

12 Q Look at Page 006. It says on that page the
13 goal of this publication is to inform turkey
14 producers of Cargill of approved methods of poultry
15 litter land application, litter storage and 02:39PM
16 mortality disposal. Is that the goal of this
17 document?

18 A Yes.

19 Q This shows that this is in the last sentence
20 referring to Cargill Turkey Products, Inc., does it 02:39PM
21 not?

22 A Yes.

23 Q All right. Is this a document that was
24 derived from Rocco's environmental policy, if you
25 know? 02:39PM

1 A That was the original basis of the document.

2 Q Okay, and this document or this appears to be

3 a final version of this document was also

4 distributed to the growers, correct, Cargill

5 growers?

02:40PM

6 A The final version was distributed, yes.

7 Q Was that distribution limited to Virginia; was

8 it all contract growers that Cargill had at the

9 time?

10 A We gave this to all contract growers we had at

02:40PM

11 the time.

12 Q That would include those in Oklahoma,

13 Arkansas, Missouri?

14 A Yes.

15 Q Okay. Let's go to the next divider at Cargill

02:40PM

16 Page 100974. I'll represent to you that this was

17 presented by Cargill to us. That shows it came from

18 your files with a date on it 2002, October 17th.

19 A Okay.

20 Q Does this appear to be just another one in the

02:41PM

21 line of drafts of the environmental policy and

22 handbook, or could it simply be a reformatting of

23 the same document?

24 A The version -- is this the set I just had in

25 my hand?

02:41PM

1 of plans in that area and during that time, so plans
2 to be written, so I would take it that the other
3 version --

4 Q 005?

5 MR. TUCKER: What are you looking for? 02:43PM

6 A 0152 to be a later version than 0342.

7 MR. TUCKER: 0151?

8 A No. It had the broad print on it.

9 MR. GARREN: It's 005.

10 MR. TUCKER: 005? 02:43PM

11 A The one with the broad print. This one. That
12 one is have or have applied for. This one I take to
13 be -- what was the number again on that one?

14 MR. TUCKER: 005, et seq.

15 A I think 005 is a later version than 0342. 02:44PM

16 Q Okay. So based on the ones we looked at, 005
17 would be the latest in the versions that we've
18 looked at from the best you can tell?

19 A From my recollection of the language in the
20 first document. 02:44PM

21 Q Nonetheless, one or more of these versions
22 were distributed to the contract growers, all of
23 Cargill's contract growers at some time?

24 A One version was distributed.

25 Q Right, and do you know the date of the 02:44PM

1 distribution of the environmental policy -- the
2 environmental policy and the handbook guide were
3 distributed?

4 A My recollection is it was late 2002 or early
5 2003, and I don't know the exact date.

02:44PM

6 Q So the earliest that a contract grower would
7 have received from Cargill something similar to a
8 best management guide for environmental purposes
9 would have been that time frame that you just
10 described?

02:45PM

11 A Yes.

12 Q This may only confuse us, but let's look at
13 Exhibit 8 because we're clear now.

14 A Are we done with these?

15 Q Yes. Give those to your counsel over there.

02:45PM

16 A You can sort this out.

17 Q I'm handing you what's marked as Exhibit 8,
18 and I'm going to apologize now because it appears --

19 MR. TUCKER: 8?

20 MR. GARREN: Yes.

02:45PM

21 MR. TUCKER: We're getting off this 9?

22 MR. GARREN: Uh-huh, yeah. We're going to
23 8 now.

24 MR. TUCKER: You have --

25 MR. BULLOCK: Do we want to go off the

02:46PM

1 Q So based on this, so that I understand your
2 testimony, it appears that Rocco had sometime at or
3 before 1998 some form of an environmental policy and
4 a best management practices guide; correct?

5 A I was working on it during 1998. 02:54PM

6 Q Okay. Was that distributed to Rocco growers
7 before Cargill acquired Rocco in 2001?

8 A Yes. The final version of that was
9 distributed to the Rocco growers.

10 Q So Rocco was ahead of Cargill in putting 02:55PM
11 together an environmental best management practices
12 guide the best you can determine?

13 MR. EHRICH: Object to the form of the
14 question, lack of foundation.

15 Q I think you said something similar to that 02:55PM
16 earlier. I'm just trying to clarify in my mind what
17 you said.

18 A Rocco had an environmental best management
19 practices guide in place before Cargill did.

20 Q Okay. Exhibit 8, that portion beginning at 02:55PM
21 151540, would there have been substantive
22 differences in this version from what might have
23 been the final version to your knowledge?

24 A I don't recall. I guess if I had them laying
25 side by side, I could tell you the answer to that. 02:56PM

1 a single page document which was different from the
2 environmental best management practices handbook; is
3 that a correct summary of your statement?

4 A Yes, in Exhibit 9, that's correct.

5 Q Now, the environmental best management 05:53PM
6 practices handbook, the larger document, not the
7 single page document, was it in existence with
8 Cargill prior to your being involved with Cargill to
9 your knowledge?

10 A That document did not exist with Cargill prior 05:54PM
11 to my involvement with Cargill.

12 Q Okay. Did Cargill then rely on what had been
13 used by Rocco as a best management environmental
14 handbook to develop its own under its name, under
15 Cargill's name? 05:54PM

16 A The basis of the Cargill environmental best
17 practices manual was the manual created at Rocco.

18 Q All right. Now, to be proactive and an
19 environmental good steward, it wouldn't require that
20 there be state regulations before one could be 05:54PM
21 proactive or a good steward; would you agree with
22 that?

23 MR. EHRICH: Object to the form.

24 A I think with or without state regulation
25 Cargill and Rocco poultry growers were good 05:55PM

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,)
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

TYSON FOODS, INC., et al,)

Defendants.)

4:05-CV-00329-TCK-SAJ

- - - - -

VOLUME II OF THE VIDEOTAPED

30(b)(6) DEPOSITION OF TIMOTHY MAUPIN,
produced as a witness on behalf of the Plaintiff in
the above styled and numbered cause, taken on the
22nd day of July, 2008, in the City of Tulsa, County
of Tulsa, State of Oklahoma, before me, Lisa A.
Steinmeyer, a Certified Shorthand Reporter, duly
certified under and by virtue of the laws of the
State of Oklahoma.

1 purchase?

2 A Asset to my knowledge.

3 Q And did Cargill continue to use the name Rocco
4 or some derivative of it after that purchase?

5 A No, not to my knowledge. 11:18AM

6 Q Rocco, Inc., had other companies, if you will,
7 I think in other types of operations besides poultry
8 growing, did it not?

9 A Yes.

10 Q All right, and Cargill only acquired the 11:18AM
11 poultry growing operations from Rocco?

12 A Yes.

13 Q Let's talk about Ag Forte. Tell the court how
14 Ag Forte relates to Cargill or its affiliated
15 companies. 11:19AM

16 A Ag Forte went into a joint venture with
17 Cargill in approximately 2000 to the 2002 time frame
18 to produce poults for the Cargill operations.

19 Q Okay. Are you familiar with the name Willmar
20 Poultry? 11:19AM

21 A Yes.

22 Q And do you know who owns Willmar Poultry?

23 A Yes.

24 Q Who?

25 A I think for the most part it's owned by the 11:19AM